

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CINDY HOGAN-CROSS

Plaintiff,

-against-

METROPOLITAN LIFE INSURANCE
COMPANY,

Defendant.
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No. 08 CV 00012 (LAK)

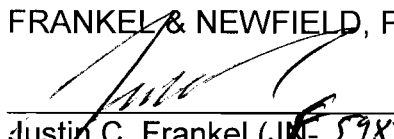
**STIPULATION AND
ORDER OF DISMISSAL**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties to the
above-captioned action, as follows:

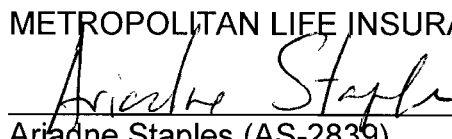
1. Plaintiff's claim for benefits under the IBM Corporation Long-Term Disability Plan, pursuant to 29 U.S.C. § 1132(a)(1)(B), shall be dismissed with prejudice.
2. Plaintiff's claim for breach of fiduciary duty under 29 U.S.C. § 1132(a)(3), shall be dismissed with prejudice.
3. Plaintiff's claims for interest, attorneys' fees and costs related to or arising from the action shall be dismissed with prejudice.

Dated: New York, New York
August 25, 2008

FRANKEL & NEWFIELD, P.C.


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Attorneys for Defendant

SO ORDERED.

LEWIS A. KAPLAN
United States District Judge

Dated: _____